

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	Civil Action No. 2:10-cv-13101-BAF-RSW
)	
and)	
)	Judge Bernard A. Friedman
NATURAL RESOURCES DEFENSE)	
COUNCIL, and SIERRA CLUB)	Magistrate Judge R. Steven Whalen
)	
Plaintiff-Intervenors)	
v.)	
)	
DTE ENERGY COMPANY, and)	
DETROIT EDISON COMPANY)	
)	
Defendants.)	
)	

**PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION
TO ESTABLISH CORRECT LEGAL STANDARD ON THE ISSUE OF
“ROUTINE MAINTENANCE, REPAIR AND REPLACEMENT”**

Appendix A

Index of Exhibits

Exhibit No.	Description
1	Memo from Don Clay to David Kee re: Applicability of Prevention of Significant Deterioration (PSD) and New Source Performance Standards (NSPS) Requirements to Wisconsin Electric Power Company Port Washington Life Extension Project (Sept. 9, 1988)
2	Letter from Francis Lyons to Henry Nickel re: applicability determination for Detroit Edison’s “Dense Pack” project at Monroe Power Plant (May 23, 2000)

Exhibit No.	Description
3	Letter from Kenneth Eng (EPA Region 2) to Dale Choate (Mobil Oil Corp.) re: replacement of regenerator cyclones at Paulsboro refinery constitutes routine maintenance (Sept. 7, 1988)
4	Letter from Henry Nickel (Counsel for UARG) to Polly Gault (U.S. Dept. of Energy) enclosing briefing paper “The WEPCO, Detroit Edison, and Ohio Edison Decisions” (June 5, 1989)
5	Order (with Appendix) on Southern Indiana Gas & Electric Company’s Motion for Summary Judgment on Fair Notice, <i>United States v. S. Ind. Gas & Elec. Co.</i> , No. IP99-1692-C-M/F (S.D. Ind. Feb. 13, 2003) (Appendix not published)